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Central Intelligence Agency

Washington, D.C. 20505

OLL 84-1136
27 March 1984

Ms. Tracey C. Lawler
Office of Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Tracey:

As you know, the House Judiciary Subcommittee on Criminal Justice has scheduled a hearing for 28 March 1984 on intelligence personnel protection legislation (S. 1762 and related bills) which the Intelligence Community has sought for some time. The Subcommittee invited Director of Central Intelligence Casey to testify or to send his designee to do so.

Enclosed is the proposed Intelligence Community testimony in support of such legislation. This testimony is virtually identical to testimony previously cleared by you in November of 1982 concerning similar legislation. For this reason, and as we agreed in our recent telephone conversation, we have not coordinated this testimony a second time.

Please call if I can be of further assistance.

Sincerely,

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Office of Legislative Liaison

Enclosure

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STATEMENT OF

VICE ADMIRAL E. A. BURKHALTER, JR., U.S.N.

DIRECTOR

INTELLIGENCE COMMUNITY STAFF

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE

OF THE

HOUSE COMMITTEE ON THE JUDICIARY

ON S.1762 AND RELATED BILLS

CONCERNING THE PROTECTION

OF INTELLIGENCE PERSONNEL

MARCH 28,1984

11:00 A.M.

ROOM 2237

RAYBURN HOUSE OFFICE BUILDING

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Mr. Chairman and members of the Subcommittee, I am Vice Admiral E. A. Burkhalter, the Director of The Intelligence Community Staff. I am pleased to be here today to discuss the need for legislation that will provide federal criminal penalties for attacks on United States intelligence personnel.

The Federal Government has a compelling interest in assuring the physical safety of intelligence personnel. Except in relatively unusual circumstances such as attacks within the special maritime and territorial jurisdiction of the United States, violent attacks on these individuals constitute crimes only under state and local laws, and those jurisdictions may lack the capabilities needed to detect and prevent, or to investigate and prosecute, attacks directed at intelligence personnel. The need for federal law enforcement authority to investigate and prosecute such crimes is particularly acute in cases involving international implications or national security matters.

Currently, there are three legislative proposals before your committee. S. 779, the Intelligence Personnel Protection Act, would amend section 1114 of Title 18 of the United States Code to include probation officers and intelligence personnel within the scope of the general federal law criminalizing the

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manslaughter of federal officers. Parts G and K of Title X of S. 1762, also presently before your Subcommittee, would amend the federal criminal laws to protect not only intelligence personnel, but also their families. Finally, there is a newly introduced bill, H.R. 5150, the Federal Officials Protection Act of 1984, which has a similar goal. The Intelligence Community defers to the Department of Justice concerning the relative desirability of these three pieces of legislation.

Legislation similar to the bills before this Subcommittee have been proposed in the past. Both the previous Carter and the present Reagan Administrations have supported similar legislation that would protect intelligence personnel. In the 97th Congress the Senate passed similar bills on two occasions, first in 1981, as section 510 of S. 1127, the Fiscal Year 1982 Intelligence Authorization Act, and then as separate legislation, S. 2552. The Intelligence Community urges enactment of the provisions similar to these earlier bills to remedy the practical problem of violence directed at individuals whose physical safety is essential to the vital federal function of determining the capabilities and intentions of foreign powers.

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The history of violence directed at U.S. intelligence personnel amply demonstrates the need for this legislation. The problem first achieved major proportions in the latter half of the 1960's, a period of great turbulence in America. Intelligence Community personnel, particularly personnel recruiters who interview prospective employees on college campuses in the same manner as recruiters for American business, were subjected to violence or threats of violence in twenty-seven cases. The most dangerous of these episodes involved the dynamite bombing of a recruiter's office in Michigan. Fortunately, in all these instances, the intelligence personnel involved escaped death or serious bodily harm.

One would have hoped that the incidents of violence directed at intelligence personnel could be categorized as an historical aberration, a reflection of the violence of the times in the late 1960's. Unfortunately, Mr. Chairman, incidents of violence directed at intelligence personnel have continued.

In 1975, an intelligence officer, his wife, and his fourteen-year-old son asleep in their home in Colorado were the target of a dynamite pipe bomb which damaged the roof of the

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house and shattered windows, but fortunately did not injure the individuals. At a subsequent time, an office associated with the Intelligence Community was the subject of a dynamite bombing. In 1978, a personnel recruiter was assaulted at a midwestern university. In 1981, a man entered a personnel recruiter's motel room in Illinois and threatened to kill him, apparently for his intelligence recruitment activity.

This list of violence directed at intelligence personnel includes only cases in which overt acts of violence occurred. In addition, during the years 1978 to 1982 between 25 and 50 telephone threats of violence per year were made to overt intelligence personnel. Mail threats are also received on a continuing basis. A recent example of these mail threats occurred in September of 1983 when Intelligence Community personnel recruiters in major cities across the United States received a typewritten flyer written by the "Weather Underground Peace Action" threatening their lives. From this discussion of violence aimed at intelligence personnel, I have excluded incidents of violence or threats of violence aimed at the Director or Deputy Director of Central Intelligence who are already protected by the federal criminal code.

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The need for federal criminal penalties for violence directed at intelligence personnel stems not only from the need to protect the physical safety of individuals performing a unique federal function, but also from the practical needs of law enforcement in such matters. Because close working relationships exist among the departments and agencies of the Intelligence Community, which includes the Federal Bureau of Investigation, the coordination mechanism and the basic intelligence expertise necessary to investigate violent crimes involving intelligence personnel already exists in the Federal Bureau of Investigation. The Federal Bureau of Investigation will not be required to develop new law enforcement capabilities to enforce the provisions of the criminal code as amended by the provisions of this bill to include protection for the officers and employees of the Intelligence Community. I wish to emphasize that it is not the degree of frequency of attacks on intelligence personnel that requires federal jurisdiction. It is, rather, the nature of the crime; namely, direct interference with a vital federal function.

In conclusion, Mr. Chairman, the protection of intelligence personnel through the application of the federal criminal laws is long overdue and amply warranted by the facts. The

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Intelligence Community strongly supports adoption of legislation that will protect intelligence personnel and urges your Committee to act favorably upon legislation that would provide this protection.

Mr. Chairman, I would be pleased to answer any questions the Subcommittee may have.

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